

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOSE L. ROMAN,  
Plaintiff

vs.

Civil Action No.

ATLANTIC CAPE FISHERIES, INC.  
Defendant

**PLAINTIFF'S COMPLAINT**

Parties and Jurisdiction

1. The plaintiff, Jose L. Roman, is a resident of the Wildwood, New Jersey.
2. The defendant, Atlantic Capes Fisheries, Inc., is a foreign corporation having a principal place of business in Cape May, New Jersey and registered to do business within the Commonwealth of Massachusetts.
3. On or about February 9, 2011, the plaintiff was employed as a seaman, and member of the crew of the F/V ADVENTURESS.
4. This Court has subject matter jurisdiction over this matter pursuant to The Merchant Marine Act of 1920, commonly called the Jones Act, 46 U.S.C., §688 et seq.

5. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1333.

**COUNT I**

**Jones Act Negligence**

6. The plaintiff re-alleges all the facts set forth in paragraphs 1 through 5 above.
7. On or about February 9, 2011, while in the performance of his duties in the service of the F/V ADVENTURESS, the plaintiff, sustained severe personal injuries.
8. At all times relevant hereto, the plaintiff was exercising due care for his own safety and well-being.
9. The plaintiff's injuries were caused by the negligence of the defendant.
10. The plaintiff's injuries were caused by the defendant's failure to use and maintain a safe and proper place in which to work.
11. The plaintiff's injuries were caused in whole or in part by the negligence of the defendant, its officers, agents or employees in that they failed to use reasonable care to provide safe and sufficient machinery, appliances, appurtenances and equipment.
12. The plaintiff's injuries were caused by the negligence of the defendant in other respects as may appear at the trial.
13. As a result of the foregoing, plaintiff suffered pain and mental anguish, incurred medical expenses, lost time from his usual work, and has sustained and will sustain other damages as will be shown at trial.

**WHEREFORE**, the Plaintiff, Jose L. Roman, demands judgment against Defendant, Atlantic Capes Fisheries, Inc., in a fair, just and reasonable amount as this Honorable Court shall deem just and proper.

**COUNT II**

General Maritime Law - Unseaworthiness

14. The plaintiff re-alleges all the facts set forth in paragraphs 1 through 13 above.
15. The plaintiff's injuries were caused by reason of failure of the defendant to provide and maintain a seaworthy vessel and/or proper and suitable appliances and equipment. This cause of action herein set forth is known as unseaworthiness under the General Maritime Law.
16. As a result of the foregoing, plaintiff suffered pain and mental anguish, incurred medical expenses, lost a long time from his usual work and will continue to suffer pain and mental anguish, incur medical expenses and lose time from his usual work, all to his damage.

**WHEREFORE**, the Plaintiff, Jose L. Roman demands judgment against Defendant, Atlantic Capes Fisheries, Inc., in a fair, just and reasonable amount as this Honorable Court shall deem just and proper.

**COUNT III**

General Maritime Law – Maintenance and Cure

17. The plaintiff re-alleges all the facts set forth in paragraphs 1 through 17 herein and in addition thereto respectfully alleges:

18. The plaintiff was injured while in the performance of his duties aboard the said vessels, and the plaintiff under the General Maritime Law is therefore entitled to maintenance and cure.
19. The plaintiff was injured while in the performance of his duties aboard the said vessels, and the plaintiff under the General Maritime Law is therefore entitled to maintenance and cure for a reasonable period of his disability.

**WHEREFORE**, the Plaintiff, Jose L. Roman, demands judgment against Defendant, Atlantic Capes Fisheries, Inc., in a fair, just and reasonable amount as this Honorable Court shall deem just and proper.

**PLAINTIFF REQUESTS TRIAL BY JURY**

Date: September 23, 2011

Respectfully submitted,

**Jose L. Roman**

By his Attorneys,  
**THOMAS J. HUNT & ASSOCIATES**

/s/ Thomas J. Hunt

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